

APPENDIX ITEM 5

DISCUSSION DRAFT FOR REGULATIONS TO CREATE A CERTIFIED RANGE SPECIALIST FOR THE STATE BOARD OF FORESTRY'S PROFESSIONAL FORESTER'S LICENSE

December 06, 1990

Proposed language is underlined and existing language is not;
~~Strikeout-is-used-for~~ existing language proposed for deletion.

Title 14, California Code of Regulation (14 CCR)

Amend 14 CCR 1602.

1602. Professional Forestry Practice Defined. ~~Pursuant-to~~
~~Section-766-of-the-Code,-it-shall-be-unlawful-for-any-person-to~~
~~act-in-the-capacity-of-a-professional-forester-without-being~~
~~registered-~~ The term phrase "act in the capacity of ... a
professional forester without being registered" pursuant to
Public Resources Code (PRC), Section 766 refers to any person
who, for personal gain or compensation, or otherwise, working in
a responsible position as an individual or through the
supervision of others, performs services applicable to "forestry"
~~as-defined in PRC, Section 753 of-the-Code, and clarified in this~~
~~Section. which Forestry requires specific knowledge for providing~~
advice to, or management for, employers, clients, or others,
through consultation; through conduct of investigations in
forestry matters which have potential environmental effects, or
are for site-specific purposes; through evaluation of forest
properties; and through planning or execution of forest and
wildland programs, management, operations, or treatment.

A Registered Professional Forester (RPF) shall perform forestry
services only in those subjects competent by training or

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experience. Thus, for a RPF to accomplish a site-specific forestry project where the prudent level of expertise is surpassed, that RPF shall utilize the services of, and coordinate the activities of, other qualified experts including but not limited to: arborists, archaeologists, certified specialists established in addition to the RPF license, civil engineers, erosion control specialists, ecologists, fisheries biologists, geologists, hydrologists, landscape architects, livestock scientists, soil scientists, or wildlife biologists.

Disciplinary action in PRC, Section 778 regarding this Section utilizes "due process" procedures of establishing "standards of conduct" deemed "prudent" and "reasonably expected by a registrant's professional community" to determine when other experts should have been involved.

In carrying out Public Resources Code, Section 772, only a Professional Forester shall perform the following:

(Note: These tasks to be clarified from historical documents.)

Amend 14 CCR 1650

1650. Specialties. Only a person licensed by this Article ~~Registered-Professional-Forester~~ is eligible for certification in a specialty. Application may be submitted for both registration ~~as-a-professional-forester~~ and for certification in a specialty at the same time, but the applicant must be approved ~~for registration-as-a-professional-forester~~ as a licensee before ~~being-considered~~ consideration for certification in a specialty. ~~The-certification-in-a-specialty-is,--in-every-case,--dependent upon-the-approval-of-registration-as-a-professional-forester.~~

A certificate in each specialty created ~~will~~ shall be issued pursuant to Section 772 of the Code. Specialties ~~will~~ shall be created by regulation as the need arises.

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To protect the public interest, the following specialties shall be implemented and overseen by the Executive Officer, Foresters Licensing, with the assistance of the Professional Foresters Examining Committee (PFEC):

- a) Certified Timber Harvesting Plan Specialist
- b) Certified Range Specialist

Adopt New 1652

1652. Certified Range Specialist [note - landowners are exempt on their own property]

a) Certification as a Range Specialist is required to provide services pursuant to 14 CCR 1602 relating to trees and woody plants growing in associations for production of forage for livestock.

b) A licensee with this Specialty shall serve on the Professional Foresters Examining Committee (PFEC) to provide input on applicant qualifications, examinations, and discipline of this certificant.

c) Qualifications in this Specialty may be achieved by submitting evidence of either of the following:

1) A four (4) year Bachelor of Science degree from an institution approved by the Society for Range Management. [or this could be elevated to the SRM Certification program]*

2) Successful completion of a written exam offered the day preceding the scheduled license exams. All Board codes governing applications and examination apply.

* Note: Non-forestry degrees are currently only recognized for two years of experience substitution; this might be changed to three years towards the basic license.

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Adopt New 1652

1652. Certified Professional Hardwood-Range Specialist

1) Certification as a Professional Hardwood-Range Specialist is required to provide services on wildlands consisting of the following vegetative cover types.

Conifer: pinyon-juniper and juniper; and only for proposing range management practices for montane hardwood conifer or eastside pine, and

(2) All hardwood cover types: valley foothill hardwood, montane hardwood, valley riparian, montane riparian, valley foothill hardwood conifer, valley foothill riparian, eucalyptus, aspen, and

(3) Shrub cover types: alpine dwarf shrub, chamise-redshank chaparral, mixed chaparral, montane chaparral, coast scrub, sagebrush, bitterbrush, and low sagebrush when proposed or existing associations of trees and woody plants are involved, and

(4) Herbaceous cover types when proposed or existing associations of trees and woody plants are involved: wet meadow, annual and perennial grassland

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Amend 14 CCR 1600

1600. Definitions.

~~"Certified-Forestry-Specialist"-refers-to-a-person-who-holds-a valid-certification-in-a-specialty-created-by-the-Board-~~

(Note: Not needed, covered by PRC, 772, and not used in any existing regulation)

"Forest resources and timberland" in PRC, 751, means land growing "timber" and not already converted to other dominant uses, unless proposed for growing timber. For PRC, Section 750 to apply, "wildland" must be involved on the following vegetation cover types listed by the 1988 report, "California's Forest and Rangelands: Growing Conflict Over Changing Uses", Appendix A, prepared by, and available from, the Department of Forestry and Fire Protection (CDF) in the Forest and Rangeland Resources Assessment Program (FRRAP) pursuant to PRC, Section 4789.3, and referencing "A Guide to Wildlife Habitats of California" co-authored by CDF, and includes:

- (1) All conifer cover types: mixed conifer; ponderosa pine, Douglas-fir, Jeffrey pine, red fir, lodgepole pine, subalpine conifer, redwood, closed-cone pine cypress, pinyon-juniper, juniper, montane hardwood conifer, eastside pine, and
- (2) All hardwood cover types: valley foothill hardwood, montane hardwood, valley riparian, montane riparian, valley foothill hardwood conifer, valley foothill riparian, eucalyptus, aspen, and

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(3) Shrub cover types: alpine dwarf shrub, chamise-redshank chaparral, mixed chaparral, montane chaparral, coast scrub, sagebrush, bitterbrush, and low sagebrush when proposed or existing associations of trees and woody plants are involved, and

(4) Herbaceous cover types when existing, or proposed, associations of trees and woody plants are involved: wet meadow, annual and perennial grassland

The following vegetative cover types NOT included in PRC, 751 and 753 include: fresh emergent wetland, saline emergent wetland, riverine, lacustrine, estuarine, marine, desert riparian, desert wash, palm oasis, joshua tree, desert scrub, desert succulent shrub, alkali desert scrub, pasture, or improved lands under agricultural tillage or treatment in food producing cropland or orchard-vineyard, or urban cover types.

Authority: PRC, Sections 759 and 763(c).

Reference: PRC, Section 751, 753; Forest and Rangeland Resources Assessment and Policy Act (FRRAP) of 1977, PRC, Sections 4789 and 4789.2 (subsections [e] through [h]); 1988 FRRAP Report (PRC, Section 4789.3) Appendix A, referencing: "A Guide to Wildlife Habitats of California, edited, Mayer and Laudenslayer, Jr., in conjunction with CDF, 1988. PRC, Sections 713, 714, 4126, 4291, 4464, 4637, 4701, 4712, 4713, 4789.2, and 4793. 14 CCR 1602.

"Timber" means wood fiber which may, or may not, be used for commercial purposes.

"Wildland" is a composite term used in numerous Board codified mandates which includes lands segmented by the terms grassland, brushland, and forestland or timberland. For the purposes of

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this Article, the term "wildland" also describes a characteristic of these lands, and is limited to the vegetative cover types in this Article comprising "forest resources and timberland". Wildland is further identifiable by the absence of urban development; therefore, wildland involves:

(a) , or is appropriate for, land use(s) essentially retaining the natural character and ecological dynamics, but may involve scattered houses and/or outbuildings and related improvements, interspersed among a vegetation cover type, and

(b) supports primarily native (indigenous) trees and woody plants, but may involve introduced (exotic or alien) species.

"Urban development" includes improvements such as paved driveways and sidewalks; irrigation systems for ground cover, lawns or gardens associated with residences or related structures, fire hydrants; commercial or industrial sites, landscaped urban parks or golf courses, institutional or administrative sites, cemeteries, airport landscaping; or windbreaks mitigating the factors of heat, chill, or sound. Trees and woody plants within urban development are secondary to developed uses, and consultation, evaluation, planning, and management does not require a RPF.